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10/589,861	08/18/2006	Takayuki Nyu	P/2054-139	2098
2352 7590 08/19/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER MAPA, MICHAEL Y				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant has amended the following:

Claims: 36-70 has not been amended.

### ***Response to Arguments***

2. Applicant's arguments filed 08/05/09 have been fully considered but they are not persuasive.

The applicant argues features wherein a wireless communication system including an administration object wireless base station having a specific identifier that is different in each wireless base station, characterized in including an unjust wireless station detecting means for, based upon said specific identifier to be included in a wireless frame, detecting existence of an unjust wireless station reads on Wu in view of Barber as follows:

Wu discloses a method applicable to a wireless LAN security control and attack detection capable of detecting effectively an attack and informing the system manager of the same or rejecting the request for service from an illegal user wherein a wireless network checking the new wireless station if it has a correct SSID, WEP and pre-registered MAC address to determine if the wireless station is legal, therefore a wireless communication system including an administration object wireless base station having a

specific identifier characterized in including an unjust wireless station detecting means for based upon said specific identifier detecting existence of an unjust wireless station.

Wu fails to explicitly recite "specific identifier that is different in each wireless base station" and "specific identifier to be included in a wireless frame." However, In a related field of endeavor, Barber discloses an access point transmitting a broadcast frame and using a BSSID which is typically the MAC address of the access point, therefore a specific identifier that is different in each wireless base station to be included in a wireless frame.

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wu to incorporate the teachings of Barber for the purpose of increasing security and marketability by conforming with commonly used methods of communication.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., it is evident from the instant specification that a mere use of an SSID, WEP and pre-registered MAC address parameters is inadequate to solve the problem identified by the instant inventors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regards to the applicants arguments that Wu in view of Barber fails to disclose the inclusion of a "specific identifier to be included in a wireless frame". The examiner respectfully disagrees. Wu discloses the use of an authentication method

wherein the SSID, WEP and pre-registered MAC address is used to determine if the wireless station is legal or not. Wu fails to explicitly recite as to how the system would acquire the SSID, WEP and pre-registered MAC address (specific identifier) to be able to do the authentication. In a related field of endeavor, Barber discloses using a wireless broadcast frame to transmit the BSSID which is typically the MAC address (specific identifier) of the access point, therefore one of ordinary skill in the art would recognize that Wu in view of Barber would use the wireless frame to transmit the SSID, WEP and pre-registered MAC address to be able to perform the authentication.

Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows:

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-42, 44, 46-54, 56, 58-63, and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US Patent Publication 2003/0200455 herein

after referenced as Wu) in view of Barber et al. (US Patent 7382756 herein after referenced as Barber).

Regarding claim 36, Wu discloses "A wireless communication system including an administration-object wireless base station having a specific identifier, characterized in including an unjust wireless station detecting means for, based upon said specific identifier detecting existence of an unjust wireless station" (Paragraph [0049] & [0051] of Wu, wherein Wu discloses a wireless network checking the new wireless station if it has a correct SSID, WEP and pre-registered MAC address, therefore if new wireless station does not have the correct SSID, WEP and MAC address then it is an unjust wireless station).

Wu fails to explicitly recite "specific identifier that is different in each wireless base station" and "specific identifier to be included in a wireless frame".

In a related field of endeavor Barber discloses "specific identifier that is different in each wireless base station" and "specific identifier to be included in a wireless frame" (Column 17, Lines 21-30, wherein Barber discloses an access point transmitting a broadcast frame and using a BSSID (Basic Service Set Identifier) which is typically the MAC address of the access point.)

Therefore it would have been obvious for one of ordinary skill in the art to combine the invention of Wu with the teachings of Barber to increase security and marketability by conforming with commonly used methods of communication.

Regarding claim 37, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means includes: a comparing means for comparing said specific identifier with a pre-registered specific identifier; and a means for determining said unjust wireless station based upon this comparison result" (Paragraph [0051] of Wu).

Regarding claim 38, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that, when a group of a wireless communication terminal and a wireless base station each of which communicates with the other is assumed to be a basic service set, said specific identifier is an identifier (BSS identifier) for identifying this basic service set" (Paragraph [0051] of Wu & Column 17, Lines 28-29 of Barber).

Regarding claim 39, Wu in view of Barber discloses "The wireless communication system according to claim 38, characterized in that said unjust wireless station detecting means further includes a means for determining a classification of said unjust wireless station from said BSS identifier" (Paragraph [0066] – [0067] of Wu, wherein Wu discloses checking whether the wireless station is legal or illegal).

Regarding claim 40, Wu in view of Barber discloses "The wireless communication system according to claim 38, characterized in that said unjust wireless station detecting means further includes a means for determining a producer of said unjust wireless station from said BSS identifier" (Paragraph [0066] of Wu, wherein Wu discloses requesting for the computer name of the wireless station).

Regarding claim 41, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: including an administration-object wireless base station having a means for acquiring a wireless frame to obtain said specific identifier, said administration-object wireless base station being administered by a system; and that said unjust wireless station detecting means further includes a means for obtaining said specific identifier from said administration-object wireless base station" (Paragraph [0051] of Wu, wherein Wu discloses a comparison is done between the identifier from the wireless station and the base station, therefore obtaining identifier from said administration-object wireless base station).

Regarding claim 42, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: including an administration-object wireless communication terminal having a means for acquiring a wireless frame to obtain said specific identifier, said administration-object wireless communication terminal being administered by a system; and that said unjust wireless station detecting means further includes a means for obtaining said specific identifier from said administration-object wireless communication terminal" (Paragraph [0051] of Wu, wherein Wu discloses a comparison is done between the identifier from the wireless station and the base station, therefore obtaining identifier from said administration-object wireless communication terminal).

Regarding claim 44, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: further including a

switching apparatus; that said unjust wireless station detecting means further includes a means for detecting an address of the unjust wireless communication terminal connected to said unjust wireless station to notify said address to the said switching apparatus; and that said switching apparatus includes a means for scrapping the wireless frame including said address" (Paragraph [0066]-[0067] of Wu, wherein Wu discloses the NMC having the MAC and IP address of the newly joined wireless station, determining if it is in a list of legal users and if not instructing the wireless base station to turn down service to the illegal user and log off all the traffic of that illegal wireless station).

Regarding claim 46, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for taking a control so as to incapacitate an unjust wireless communication terminal connected to said administration-object wireless base station from communicating" (Paragraph [0067] of Wu).

Regarding claim 47, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that: said unjust wireless station detecting means further includes a means for notifying an identifier (SS identifier) for identifying a service set of said unjust wireless station acquired from said wireless frame to the administration-object wireless base station around said unjust wireless station; and the administration-object wireless base station receiving a notification of said SS identifier includes a means for, in a case of having received a



wireless frame from the wireless communication terminal having made a connection by using an identical value to that of said SS identifier, scrapping this wireless frame" (Paragraph [0067] of Wu).

Regarding claim 48, Wu in view of Barber discloses "An operation administering apparatus in a wireless communication system" (Paragraph [0067] of Wu). Wu in view of Barber discloses "including an administration-object wireless base station having a specific identifier that is different in each wireless base station, characterized in including an unjust wireless station detecting means for, based upon the specific identifier to be included in a wireless frame, detecting existence of an unjust wireless station" (See claim 36).

Regarding claim 49, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 49 with the same arguments provided above (See claim 37).

Regarding claim 50, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 50 with the same arguments provided above (See claim 38).

Regarding claim 51, Wu in view of Barber discloses "The operation administering apparatus according to claim 50". The examiner further rejects claim 51 with the same arguments provided above (See claim 39).

Regarding claim 52, Wu in view of Barber discloses "The operation administering apparatus according to claim 50". The examiner further rejects claim 52 with the same arguments provided above (See claim 40).

Regarding claim 53, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 53 with the same arguments provided above (See claim 41).

Regarding claim 54, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 54 with the same arguments provided above (See claim 42).

Regarding claim 56, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 56 with the same arguments provided above (See claim 44).

Regarding claim 58, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 58 with the same arguments provided above (See claim 46).

Regarding claim 59, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 59 with the same arguments provided above (See claim 47).

Regarding claim 60, Wu in view of Barber discloses "A wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation administering apparatus for making an operational administration for a system, characterized in including: a means for acquiring said specific identifier from a wireless frame; and a means for notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station (See claim 36).

Regarding claim 61, Wu in view of Barber discloses "The wireless base station according to claim 60". The examiner further rejects claim 61 with the same arguments provided above (See claim 46).

Regarding claim 62, Wu in view of Barber discloses "The wireless base station according to claim 60". The examiner further rejects claim 62 with the same arguments provided above (See claim 47).

Regarding claim 63, Wu in view of Barber discloses "A wireless communication terminal in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operation administering apparatus for making an operational administration for a system, characterized in including:  
a means for acquiring said specific identifier from a wireless frame; and  
a means for notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 36).

Regarding claim 65, Wu in view of Barber discloses "An unjust wireless station detection method in a wireless communication system including an administration-object wireless base station having a specific identifier, characterized in including a step of detecting existence of an unjust wireless station based upon the specific identifier to be included in a wireless frame" (See claim 36).

Regarding claim 66, Wu in view of Barber discloses "An operational control method of a wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation

administering apparatus for making an operational administration for a system, characterized in including the steps of:  
acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 60).

Regarding claim 67, Wu in view of Barber discloses "An operational control method of a wireless communication terminal in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operational administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 63).

Regarding claim 68, Wu in view of Barber discloses "an unjust wireless station detection method in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station, characterized in including a step of detecting existence of an unjust wireless station based upon the specific identifier to be included in a wireless frame" (See claim 36). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is

needed for executing said method in a communication system.

Regarding claim 69, Wu in view of Barber discloses "an operational control method of a wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 66). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is needed for executing said operational control method in a base station.

Regarding claim 70, Wu in view of Barber discloses "an operational control method of a wireless communication terminal in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operation administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operational administering apparatus in order to detect existence of the unjust wireless station" (See claim 67). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to

execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is needed for executing said operational control method in a wireless communication terminal.

5. Claims 43, 45, 55, 57 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US Patent Publication 2003/0200455 herein after referenced as Wu) in view of Barber et al. (US Patent 7382756 herein after referenced as Barber) and further in view of Billhartz (US Patent Publication 2004/0028001 herein after referenced as Billhartz).

Regarding claim 43, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for notifying the effect that utilization of said unjust wireless station is prohibited" (Paragraph [0067] of Wu.)

Wu in view of Barber fails to explicitly recite "notifying the effect that utilization of said unjust wireless station is prohibited to an administration-object wireless communication terminal connected to said unjust wireless station".

In a related field of endeavor, Billhartz discloses "notifying the effect that utilization of said unjust wireless station is prohibited to an administration-object wireless communication terminal connected to said unjust wireless station" (Paragraph

[0072] of Billhartz, wherein Billhartz discloses an intrusion alert may be generated and transmitted to one or more stations in the network).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wu in view of Barber to incorporate the teachings of Billhartz for the purpose of increasing network security by providing an intrusion alert to all stations in the network to prevent an unjust wireless station from communicating within the network.

Regarding claim 45, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for notifying said unjust wireless communication terminal to said administration-object wireless base station" (Paragraph [0067] of Wu).

Wu in view of Barber fails to explicitly recite "and further, for notifying said unjust wireless station to the administration-object wireless communication terminal connected to said administration-object wireless base station".

In a related field of endeavor, Billhartz discloses "and further, for notifying said unjust wireless station to an administration-object wireless communication terminal connected to said administration-object wireless base station" (Paragraph [0072] of Billhartz, wherein Billhartz discloses an intrusion alert may be generated and transmitted to one or more stations in the network).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wu in view of Barber to incorporate the teachings of Billhartz for the

purpose of increasing network security by providing an intrusion alert to all stations in the network to prevent an unjust wireless station from communicating within the network.

Regarding claim 55, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 55 with the same arguments provided above (See claim 43).

Regarding claim 57, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 57 with the same arguments provided above (See claim 45).

Regarding claim 64, Wu in view of Barber discloses "The wireless communication terminal according to claim 63." The examiner further rejects claim 64 with the same arguments provided above (See claim 43).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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